

House File 2486

H-8260

1 Amend the amendment, H-8256, to House File 2486, as passed by  
2 the House, as follows:

3 1. By striking page 1, line 4, through page 27, line 1, and  
4 inserting:

5 <Sec. \_\_\_\_\_. Section 43.14, subsection 1, paragraph g, Code  
6 2020, is amended by striking the paragraph.

7 Sec. \_\_\_\_\_. Section 45.5, subsection 1, paragraph f, Code  
8 2020, is amended by striking the paragraph.

9 Sec. \_\_\_\_\_. Section 47.1, subsection 2, Code 2020, is amended  
10 to read as follows:

11 2. a. The state commissioner of elections may exercise  
12 emergency powers over any election being held in a district  
13 in which either a natural or other disaster or extremely  
14 inclement weather has occurred. The state commissioner's  
15 decision to alter any conduct for an election using emergency  
16 powers must be approved by the legislative council. If the  
17 legislative council does not approve the secretary of state's  
18 use of emergency powers to conduct an election, the legislative  
19 council may choose to present and approve its own election  
20 procedures or choose to take no further action. The state  
21 commissioner of elections may also exercise emergency powers  
22 during an armed conflict involving United States armed forces,  
23 or mobilization of those forces, or if an election contest  
24 court finds that there were errors in the conduct of an  
25 election making it impossible to determine the result.

26 b. If an emergency exists in all precincts of a county,  
27 the number of polling places shall not be reduced by more than  
28 thirty-five percent. The polling places allowed to open shall  
29 be equitably distributed in the county based on the ratio of  
30 regular polling places located in unincorporated areas in the  
31 county to regular polling places in incorporated areas in the  
32 county.

33 Sec. \_\_\_\_\_. Section 49.57, subsection 6, Code 2020, is amended  
34 to read as follows:

35 6. A portion of the ballot shall include the words "Official

1 ballot", the unique identification number or name assigned by  
2 the commissioner to the ballot style, the date of the election,  
3 and the impression or likeness of the county seal of the county  
4 of the commissioner who has caused the ballot to be printed  
5 pursuant to [section 49.51](#).

6 Sec. \_\_\_\_\_. Section 54.5, subsection 2, Code 2020, is amended  
7 to read as follows:

8 2. The state central committee shall also file a list of  
9 the names and addresses of the party's presidential electors  
10 and alternate electors, one from each congressional district  
11 and two from the state at large, not later than 5:00 p.m.  
12 on the eighty-first day before the general election. A  
13 political party may elect up to two alternate electors at the  
14 party's state convention. Additionally, the party's state  
15 central committee may nominate one alternate elector for each  
16 congressional district.

17 Sec. \_\_\_\_\_. Section 54.5, Code 2020, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 2A. Each elector nominee and alternate  
20 elector nominee of a political party or group of petitioners  
21 shall execute the following pledge, which shall accompany  
22 the submission of the corresponding names to the state  
23 commissioner:

24 If selected for the position of elector, I agree to serve  
25 and to mark my ballots for president and vice president for  
26 the nominees for those offices of the party (or group of  
27 petitioners) that nominated me.

28 Sec. \_\_\_\_\_. Section 54.7, Code 2020, is amended to read as  
29 follows:

30 **54.7 Meeting — certificate.**

31 1. The presidential electors and alternate electors shall  
32 meet in the capitol, at the seat of government, on the first  
33 Monday after the second Wednesday in December next following  
34 their election.

35 2. If, at the time of such meeting, any elector for any

1 ~~cause is absent, those present shall at once proceed to~~  
2 ~~elect, from the citizens of the state, a substitute elector or~~  
3 ~~electors, and certify the choice so made to the governor, and~~  
4 ~~the governor shall immediately cause the person or persons so~~  
5 ~~selected to be notified thereof~~ the state commissioner shall  
6 appoint an individual to substitute for the elector as follows:

7 a. If the alternate elector is present to vote, by  
8 appointing the alternate elector for the vacant position.

9 b. If the alternate elector is not present to vote, by  
10 appointing an elector chosen by lot from among the other  
11 alternate electors present to vote who were nominated by the  
12 same political party or group of petitioners.

13 c. If the number of alternate electors present to vote is  
14 insufficient to fill a vacant position pursuant to paragraphs  
15 "a" and "b", by appointing any immediately available citizen  
16 of the state who is qualified to serve as an elector and  
17 chosen through nomination by a plurality vote of the remaining  
18 electors, including nomination and vote by a single elector if  
19 only one remains.

20 d. If there is a tie between at least two nominees to  
21 substitute as an elector in a vote conducted under paragraph  
22 "c", by appointing an elector chosen by lot from among those  
23 nominees.

24 e. If all elector positions are vacant and cannot be filled  
25 through the processes set forth in paragraphs "a", "b", "c", and  
26 "d", by appointing a single presidential elector with remaining  
27 vacant positions filled pursuant to the method set forth in  
28 paragraph "c" and, if necessary, paragraph "d".

29 3. To qualify to substitute for an elector under subsection  
30 2, an individual who has not executed the pledge required for  
31 elector nominees and alternate elector nominees under section  
32 54.5 shall execute the following pledge:

33 I agree to serve and to mark my ballots for president and vice  
34 president consistent with the pledge of the individual whose  
35 elector position I have succeeded.

1     Sec. \_\_\_\_\_. Section 54.8, Code 2020, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     **54.8 Elector voting — certificate of governor.**

4     1. At the time designated for elector voting and after all  
5 vacant positions have been filled under section 54.7, the state  
6 commissioner shall provide each elector with a presidential  
7 and a vice presidential ballot. The elector shall mark the  
8 elector's presidential and vice presidential ballots with  
9 the elector's votes for the offices of president and vice  
10 president, respectively, along with the elector's signature and  
11 the elector's legibly printed name.

12    2. Except as otherwise provided by law of this state outside  
13 of this chapter, each elector shall present both completed  
14 ballots to the state commissioner who shall examine the ballots  
15 and accept and cast all ballots of electors whose votes are  
16 consistent with their pledges executed under section 54.5  
17 or 54.7. Except as otherwise provided by law of this state  
18 outside of this chapter, the state commissioner shall not  
19 accept and shall not count an elector's presidential and vice  
20 presidential ballots if the elector has not marked both ballots  
21 or has marked one ballot in violation of the elector's pledge.

22    3. An elector who refuses to present a ballot, presents  
23 an unmarked ballot, or presents a ballot marked in violation  
24 of the elector's pledge executed under section 54.5 or 54.7  
25 vacates the office of elector. The state commissioner shall  
26 declare the creation of the vacancy and fill the vacancy  
27 pursuant to section 54.7.

28    4. The state commissioner shall distribute ballots to  
29 and collect ballots from a substitute elector and repeat the  
30 process set forth in this section for examining ballots,  
31 declaring and filling vacant positions as required, and  
32 recording appropriately completed ballots from the substituted  
33 electors until all of the state's electoral votes have been  
34 cast and recorded.

35    5. The governor shall duly certify the results, under the

1 seal of the state, to the United States secretary of state, and  
2 as required by Act of Congress related to such elections.

3 Sec. \_\_\_\_\_. NEW SECTION. **54.8A Elector replacement —**  
4 **associated certificates.**

5 1. After the vote of this state's electors is completed,  
6 if the final list of electors differs from any list that the  
7 governor previously included on a certificate of ascertainment  
8 prepared and transmitted under 3 U.S.C. §6, the state  
9 commissioner shall immediately prepare an amended certificate  
10 of ascertainment and transmit the amended certificate to the  
11 governor for the governor's signature.

12 2. The governor shall immediately deliver the signed  
13 amended certificate of ascertainment to the state commissioner  
14 and a signed duplicate original of the amended certificate  
15 of ascertainment to all individuals entitled to receive this  
16 state's certificate of ascertainment, indicating that the  
17 amended certificate of ascertainment is to be substituted for  
18 the certificate of ascertainment previously submitted.

19 3. The state commissioner shall prepare a certificate  
20 of vote. The electors on the final list shall sign the  
21 certificate. The state commissioner shall process and  
22 transmit the signed certificate with the amended certificate of  
23 ascertainment under 3 U.S.C. §§9 through 11.

24 Sec. \_\_\_\_\_. Section 331.552, subsection 4, Code 2020, is  
25 amended to read as follows:

26 4. Keep the official county seal provided by the county.  
27 The official seal shall be an impression seal on the face of  
28 which shall appear the name of the county, the word "county",  
29 which may be abbreviated, ~~the word "treasurer" which may be~~  
30 ~~abbreviated,~~ and the word "Iowa".

31 Sec. \_\_\_\_\_. **AFFIDAVIT OF CANDIDACY — 2020 GENERAL ELECTION**  
32 **NOMINEES.** For the 2020 general election, a candidate nominated  
33 for county hospital trustee or township trustee shall file  
34 with the county commissioner a signed, notarized affidavit of  
35 candidacy and nomination petition, if applicable, by 5:00 p.m.

1 not less than sixty-nine days before the general election. An  
2 affidavit of candidacy shall include the information required  
3 under section 44.3.>

4 2. Title page, by striking line 1 and inserting <An Act  
5 relating to the conduct of elections, including emergency  
6 powers, procedures relating to electors, and the use of a  
7 county seal on materials related to elections.>

8 3. By renumbering as necessary.>

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KAUFMANN of Cedar

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HUNTER of Polk